

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: *PSEUDOMONAS* EXOTOXIN A-LIKE CHIMERIC IMMUNOGENS the specification of which \_ is attached hereto or X was filed on January 10, 2000 as Application No. 09/462,682 and was amended on \_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
PCT	PCT/US98/14341	July 10, 1998	Yes No
			Yes No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/052,375	July 11, 1997

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
		Patented Pending Abandoned
		Patented Pending Abandoned
		Patented Pending Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
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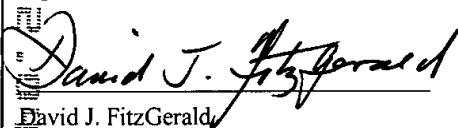
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Send Correspondence to Appointed Associate Attorney or Agent Address:  <b>TOWNSEND and TOWNSEND and CREW, LLP</b> <b>Two Embarcadero Center, 8th Floor</b> <b>San Francisco, CA 94111-3834</b>	Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:  <b>Name: John Storella</b> <b>Reg. No. 32,944</b> <b>Telephone: 415-576-0200</b> <b>Fax: 415-576-0300</b>
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Full Name of Inventor 1	Last Name <u>FITZGERALD</u>	First Name <u>DAVID</u>	Middle Name or Initial <u>J.</u>	
Residence & Citizenship	City <u>Rockville</u>	State/Foreign Country Maryland <u>MD</u>	Country of Citizenship United States	
Post Office Address	Post Office Address 1202 Azalea Drive	City Rockville	State/Country MD	Zip Code 20850

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  David J. FitzGerald		
Date <u>4/16/00</u>		

SF 1083566 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FitzGerald

Serial No.: 09/462,682

Filed: January 10, 2000

For: PSEUDOMONAS EXOTOXIN A-  
LIKE CHIMERIC IMMUNOGENS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner: Unassigned

Art Unit: Unassigned

APPOINTMENT OF ASSOCIATE  
ATTORNEYS AND AGENTS BY  
PRINCIPAL ATTORNEY OR AGENT  
UNDER 37 CFR §1.34(b) AND MPEP  
402.02

Sir:

Under 37 CFR §1.34(b) and MPEP 402.02, the undersigned principal attorney or agent of record hereby appoints the following representatives from the law firm of TOWNSEND and TOWNSEND and CREW<sup>1</sup>LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, telephone: (415) 576-0200, as associate attorneys and/or patent agents in this application with full powers to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith:

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Dated: 4/17/00

Respectfully submitted,

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United States Department of Health and  
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By Robert Benson

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